

**CITY OF SAINT PETER
PLANNING & ZONING COMMISSION
Thursday, March 5, 2020 at 5:30 p.m.
Governors Room – Saint Peter Community Center**

- I. **Call To Order**
- II. **Approval of Agenda**
- III. **Approval of Minutes**
 - A. February 6, 2020
- IV. **Unfinished Business**
- V. **New Business**
 - A. Annexation by Ordinance Petition For Annexation By Ordinance
 - B. Conditional Use Permit (922 N. Swift Street) – Automotive Sales
- VI. **Reports**
- VII. **Adjourn**

**CITY OF SAINT PETER, MINNESOTA
OFFICIAL PROCEEDINGS – REGULAR MEETING
MINUTES OF THE PLANNING AND ZONING COMMISSION
February 6, 2020**

Pursuant to due call and notice thereof, a regular meeting of the Planning and Zoning Commission of the City of Saint Peter was conducted in the Governors' Room of the Community Center on February 6, 2020. A quorum present, Community Development Director Russ Wille called the meeting to order at 5:30 p.m. The following Commissioners were present: Andy Davis, Joe Urban, Ken Rossow, Scott Fichtner, Shanon Nowell and Brad DeVos. City staff present were Community Development Director Wille and Administrative Secretary Cindy Moulton. Visitor Paul Tanis, Riley -Tanis Law Office was also present.

Approval of Agenda

A motion was made by Davis, seconded by Urban, to approve the agenda with the addition of Election of Officers. With all in favor, the agenda was approved as amended.

Oath of Office

The Oath of Office was administered to City Council liaison's Shanon Nowell and Brad DeVos.

Election of Officers

A motion was made by Rossow, Seconded by Urban to nominate Andy Davis as President. A motion was made by Rossow, seconded by Fichtner to move nomination cease. All members voting aye, Davis was elected President.

A motion was made by Fichtner, seconded by Rossow to elect Urban as Vice President. A motion was made Fichtner, seconded by Rossow to move nominations cease. All members voting aye, Urban was elected as Vice President.

Approval of Minutes

A motion was made by Rossow, seconded by Urban, to approve the minutes of the September 5, 2019 regular Planning and Zoning meeting. With all voting aye, the minutes were approved as presented.

Dirks – Zoning Ordinance Text Amendment (Automotive Sales in C-2 Districts)

Wille stated that Lake Washington Marine and Powersports has been operating at 1005 Old Minnesota. The operation provides for the repair, storage and sales of boats and other recreational equipment. According to the Zoning Code, the use would be considered Automotive Sales.

Wille indicated that due to the pending sale of 1005 Old Minnesota, the business is being forced to relocate. With a desire to operate the business in St. Peter, the owner has relocated to 922 North Swift Street.

Wille stated that 922 North Swift Street is zoned (I-2) General Industrial as depicted in the Zoning Code. He said that the Zoning Code allows for the repairs and storage of the recreational equipment but does not allow Automotive Sales as a Principal Permitted or Conditional Use of land within the I-2 zoning district.

Blake and Jo Ellen Dirks, owners of the property, have paid the appropriate fee and have petitioned for an amendment to the text of the Zoning Code to add Automotive Sales to the roster of potential Conditional Uses that may be allowed within the I-2 zoning districts.

It was of Wille's opinion that automotive sales would not be incompatible with other uses allowed in the I-2 zoning districts and could be incidental to the storage and repair.

DeVos expressed his concern with car sales being allowed in a residential area which lies adjacent to the property. He suggested that the test driving of vehicles could be disruptive to the peace within the adjoining residential uses.

Other members were more concerned with the repair and storage of automotive.

Wille suggested that if a Conditional Use Permit (CUP) is issued, certain conditions could be place on the use to alleviate conflicts between the Automotive Sales and residential uses in the area. There are 17 standards to be reviewed in considering the provision of a CUP. If conflicts between land uses is identified, the conditions could be applied to alleviate or abate the identified conflict.

Members suggested that when the CUP is reviewed that a buffer along the west side of the parking lot be added to the list of conditions in order to shield the residential properties located on 5th Street, from the parking lot.

Tanis stated that the seller, buyer and his self were unaware that there was a zoning issue with the property. He did not feel the conditions Wille mentioned would be a problem.

A motion was made by Rossow, seconded by Fichtner to introduce Resolution No. 20-01 entitled, "A Resolution Recommending that the City Council amend Saint Peter City Code, Chapter 24, to add Automotive Sales to the roster of Conditional Uses that could be considered within the (I-2) zoning districts. With all members voting aye, the Resolution was passed and adopted.

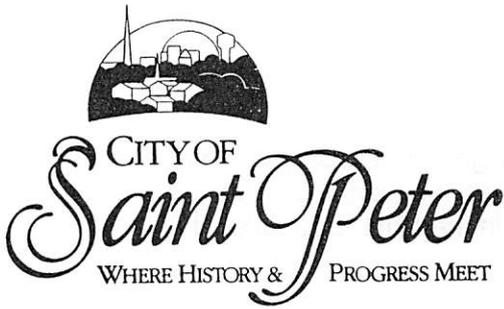
Reports

Wheelborg (Annexation Correction)

Wille reported that there is a portion of property located behind Bart Weelborg's Edward Jones Financial Advisors office, 1031 Grace Street, which has not been annexed into the City. Gustavus Adolphus College also owns a small sliver of land that is contiguous with Weelborg's property that has not been annexed. The City approached both owners and they agreed to have the property annexed. The Planning Commission will initiate the petition and the City will pay the fee associated with the filing of the petition.

Adjournment

There being no further business, a motion was made by Rossow, seconded by Davis, to adjourn. With all in favor, the motion carried and the meeting adjourned at 5:56 pm.



Memorandum

To: Planning Commission

Date: February 21, 2020

From: Russ Wille, Community Development Director

RE: Weelborg / GAC Annexation by Ordinance Petition

ACTION / RECOMMENDATION

Adopt the attached resolution recommending that the City Council annex properties owned by Ruth Ann Weelborg (Trustee) and Gustavus Adolphus College by ordinance as provided in Minnesota Statute §414.033.

BACKGROUND

It has come to our attention that there is an error in our records and maps. There are two small parcels of land which have never been appropriately annexed in to the corporate limits. Every map or document that I have viewed for 18 plus years has suggested that the annexation action had been undertaken.

The two parcels are owned by Ruth Ann Weelborg (Trustee) and Gustavus Adolphus College. They are immediately abutting the Gustavus campus and the former KRBI radio station which has been repurposed into an Edward Jones Financial Advisors office operated by Bart Weelborg (see maps).

To remedy the error, it is my recommendation that the land be annexed in to the city. The Council could undertake the annexation by ordinance given that the lands are completely surrounded by lands within the corporate limits. A copy of the ordinance to be considered by the City Council is enclosed in this agenda packet for your review.

I have discussed the suggested annexation with both Bart Weelborg and Curtis Kowaleski, the VP of Finance, Treasurer and CFO of Gustavus Adolphus College. They each indicated that they would not oppose the annexation action to correct the mapping records.

To initiate the annexation, I have prepared a petition for your consideration. It is suggested that the Planning Commission initiate the annexation via the petition so that the property owners would not incur a fee to correct the City's mistake.

To finalize the annexation, a public hearing will be held by the City Council at their meeting on Monday, March 23, 2020. Notice of the hearing has been mailed to property owners within ¼ mile of the subject properties. Notice has also been published in the Saint Peter Herald and posted on the bulletin board at City Hall as required by statute.

Upon annexation it is proposed that the Weelborg property be designated as (C-3) General Retail and Service Commercial on the Official Zoning Map. Upon annexation it is proposed that the Gustavus Adolphus College property be designated as being in the (EID) Educational / Institutional District on the Official Zoning Map.

The attached resolution initiates the annexation and authorized the Chair to sign the petition annexation on behalf of the Commission.

FISCAL IMPACT

The \$500 annexation fee will be paid from the Community Development Department budget. Additional fees will be incurred to provide for publication of the ordinance.

ALTERNATIVES / VARIATIONS

Do Not Act: The City mapping system will be amended to show that these parcels are not within the corporate limits of the City of Saint Peter.

Deny: The mapping system will be amended to show that these parcels are not within the corporate limits of the City of Saint Peter.

Adopt: The matter will be considered by the City Council after they conclude the public hearing scheduled for March 23, 2020 at 7:00 p.m. in the Governors Room of the Community Center.

APPLICATION FORM
CITY OF SAINT PETER, MINNESOTA

Street Location of Property (address) 1031 W. Grace St.

Owner: Name Ruth Ann Weelborg (Trustee)

Address 38443 Timber Trail, St. Peter, MN

Applicant: (If different from owner) Name St. Peter Planning & Zoning Commission

Address c/o 227 S. Front St.

Type of Request:

(Please check one)

- Rezoning Annexation Variance
 Conditional Use Vacate Public Ways
 Application for Subdivision _____ Number of Lots
 Other

Description of Request: Annex small parcel by ordinance as per M.S. § 414.033. 100% surrounded by existing city limits.

Applicant Signature _____

Date _____

(To be filled in by City Officials)

Petition received with fee \$ 300 on 12/02/2019 by RW

Action of Variance Board (if request is for Variance) N/A

Action of Planning Commission _____ Date _____

Action of City Council _____ Date _____

Fee \$ 0 Commission Initialed Receipt Number N/A Date 12/02/2019

ORDINANCE NO. _____, SECOND SERIES

**AN ORDINANCE OF THE CITY OF SAINT PETER, MINNESOTA ANNEXING LAND
LOCATED WITHIN THE TOWN OF OSHAWA TOWNSHIP, NICOLLET COUNTY,
MINNESOTA PURSUANT TO MINN. STAT. 414.033, SUBDIVISION 2 (2), PERMITTING
ANNEXATION BY ORDINANCE**

WHEREAS, the territory described below is not presently within the corporate limits of any incorporated city and is completely surrounded by lands within the corporate limits of the City of Saint Peter, Minnesota; and

WHEREAS, the Saint Peter Planning and Zoning Commission has determined that this territory is deemed to be urban in character; and

WHEREAS, a petition requesting annexation has been initiated by the City Planning and Zoning Commission; and

WHEREAS, the property to be annexed includes approximately 1.03 acres of land; and

WHEREAS, on March 23, 2020, a public hearing regarding the petitioned annexation was conducted as required by Statute; and

WHEREAS, the properties in question have been erroneously depicted as being within the City limits on various maps maintained by the City of Saint Peter; and

WHEREAS, it has been determined that the maps are not accurate and that the lands have never been appropriately annexed into the City; and

WHEREAS, the Planning and Zoning Commission has determined the map error would be most appropriately addressed via annexation of the subject properties; and

WHEREAS, the Planning and Zoning Commission has determined that the annexation of the properties would not place an unreasonable demand upon municipal services including Police protection, Fire protection and other emergency services; and

WHEREAS, the Planning and Zoning Commission has determined the existing system of roadways is adequately designed to effectively manage and control the anticipated post annexation levels of vehicular traffic; and

WHEREAS, the Planning and Zoning Commission has determined the post annexation demand for municipal utilities will not exceed the designed capacity of existing utility systems and required services can be effectively provided to the subject property; and

WHEREAS, the City Council has determined the annexation of the subject territory is in conformance with the goals and policies included in the Comprehensive Plan of the City of Saint Peter.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAINT PETER, NICOLLET COUNTY, MINNESOTA DOES HEREBY ORDAIN:

Section 1. Territory Annexed: Pursuant to Minnesota Statute 414.033, Subdivision 1, the corporate limits of the City of Saint Peter are hereby extended by annexation of the property described as follows:

PARCEL 1.

That part of the Southeast Quarter of the Southeast Quarter of Section 17, Township 110 North, Range 26 West, Nicollet County, Minnesota, described as: Commencing at the southeast corner of said Section 17; thence North on the East line of Section 17, a distance of 691.00 feet; thence West and parallel with the South line of Section 17, a distance of 696.70 feet to the point of beginning; thence continuing West on said parallel line 6.00 feet; thence South and parallel with the East line of Section 17, a distance of 379.50 feet to the centerline of S.A.R. No. 5; thence deflecting to the left 119 degrees 19 minutes and on said centerline, a distance of 6.88 feet; thence deflecting to the left 60 degrees 41 minutes and parallel with the East line of Section 17, a distance of 376.15 feet to the point of beginning.

And

PARCEL 2.

The east ninety-five (95) feet of the south 3/4 of the West Half of the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of Section Seventeen (17) in Township One Hundred and ten (110) North of Range Twenty-six (26) West, lying northerly of the centerline of State Aid Road No. 5, commonly called the "Old Fort Road", Nicollet County, Minnesota.

Excepting therefrom:

That part of the Southeast Quarter of the Southeast Quarter of Section 17, Township 110 North, Range 26 West, Nicollet County, Minnesota, described as: Commencing at the southeast corner of said Section 17; thence North on the East line of Section 17, a distance of 691.00 feet; thence West and parallel with the South line of Section 17, a distance of 696.70 feet to the point of beginning; thence continuing West on said parallel line 6.00 feet; thence South and parallel with the East line of Section 17, a distance of 379.50 feet to the centerline of S.A.R. No. 5; thence deflecting to the left 119 degrees 19 minutes and on said centerline, a distance of 6.88 feet; thence deflecting to the left 60 degrees 41 minutes and parallel with the East line of Section 17, a distance of 376.15 feet to the point of beginning.

and also excepting therefrom:

That part of the Southeast Quarter of the Southeast Quarter of Section 17, Township 110 North, Range 26 West, Nicollet County, Minnesota, described as: Commencing at the Southeast corner of Section 17; thence north along the east line of Section 17, a distance of 691.00 feet; thence west and parallel with the south line of Section 17 a distance of 702.70 feet to the point of beginning; thence continuing west along said parallel line 50.00 feet; thence south and parallel with the east line of Section 17 a distance of 407.52 feet to the centerline of S.A.R. No. 5; thence deflecting left 119 degrees 19 minutes along the centerline of S.A.R. No. 5 a distance of 57.34 feet; thence deflecting left 60 degrees 41

minutes and parallel with the east line of Section 17 a distance of 379.50 feet to the point of beginning.

Section 2. Filing: The City Administrator is directed to file certified copies of this ordinance with the Secretary of State, the County Auditor of Nicollet County, the Town Clerk of Oshawa Township and Minnesota Planning Boundary Adjustments.

Section 3. Effective Date of Annexation: This ordinance takes effect upon its passage, publication and the filing of certified copies as directed in Section 2, and its approval by the Minnesota Municipal Board, now known as Minnesota Planning Municipal Boundary Adjustments.

Section 4. Official Map: The Community Development Director is directed to amend the Official Zoning Map to reflect the new boundary of the City resulting from annexation of the property and to depict its zoning classification as (EID) Educational/Institutional District for land described as Parcel 1 and (C-3) General Retail and Service Commercial for the land described as Parcel 2.

Section 5. Adoption of General Provisions: All the provisions of Chapter 1, of the Saint Peter City Code are made a part hereof and applicable to this Ordinance.

Adopted by the City Council of the City of Saint Peter, Nicollet County, Minnesota this 23rd day of March, 2020.

ATTEST:

Todd Prafke
City Administrator

Charles Ziemann
Mayor

The foregoing Ordinance was adopted by the following votes:

Ayes:

Nays:

Abstain:

Published in the Saint Peter Herald on _____.

**CITY OF SAINT PETER, MINNESOTA
PLANNING AND ZONING COMMISSION
RESOLUTION NO. 2020 -**

STATE OF MINNESOTA)
COUNTY OF NICOLLET)
CITY OF SAINT PETER)

**RESOLUTION RECOMMENDING THE ANNEXATION BY ORDINANCE AND ZONING
DESIGNATION OF TRACTS OF LAND OWNED BY RUTH ANN WEELBORG (TRUSTEE)
AND GUSTAVUS ADOLPHUS COLLEGE TO CORRECT AN ERROR IN THE MAPPING AND
RECORDS MAINTAINED BY THE CITY OF SAINT PETER**

WHEREAS, it has been determined that there is an error in the City's records as to whether certain lands have been appropriately annexed in to the corporate limits of the City of Saint Peter; and

WHEREAS, two parcels of land shown as being within the city limits on the maps maintained by the City of Saint Peter, have not been annexed as believed and are indeed located in Oshawa Township and taxed accordingly; and

WHEREAS, to remedy the identified error, it is proposed that the Planning and Zoning Commission initiate the annexation via petition; and

WHEREAS, the matter has been discussed with the two property owners and each of them suggested that they would not oppose the annexation to correct the municipal records; and

WHEREAS, the first parcel is owned by Ruth Ann Weelborg (Trustee) and contains 0.98 acres of land and would be designated (C-3) General Retail and Service Commercial upon annexation; and

WHEREAS, the second parcel owned by Gustavus Adolphus College contains 0.05 acres of land and would be designated (EID) Educational / Institution District upon annexation; and

WHEREAS, the parcels subject to the annexation petition are legally described as:

PARCEL 1.

That part of the Southeast Quarter of the Southeast Quarter of Section 17, Township 110 North, Range 26 West, Nicollet County, Minnesota, described as: Commencing at the southeast corner of said Section 17; thence North on the East line of Section 17, a distance of 691.00 feet; thence West and parallel with the South line of Section 17, a distance of 696.70 feet to the point of beginning; thence continuing West on said parallel line 6.00 feet; thence South and parallel with the East line of Section 17, a distance of 379.50 feet to the centerline of S.A.R. No. 5; thence deflecting to the left 119 degrees 19 minutes and on said centerline, a distance of 6.88 feet; thence deflecting to the left 60 degrees 41 minutes and parallel with the East line of Section 17, a distance of 376.15 feet to the point of beginning.

And

PARCEL 2.

The east ninety-five (95) feet of the south 3/4 of the West Half of the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of Section Seventeen (17) in Township One Hundred and ten (110) North of Range Twenty-six (26) West, lying northerly of the centerline of State Aid Road No. 5, commonly called the "Old Fort Road", Nicollet County, Minnesota.

Excepting therefrom:

That part of the Southeast Quarter of the Southeast Quarter of Section 17, Township 110 North, Range 26 West, Nicollet County, Minnesota, described as: Commencing at the southeast corner of said Section 17; thence North on the East line of Section 17, a distance of 691.00 feet; thence West and parallel with the South line of Section 17, a distance of 696.70 feet to the point of beginning; thence continuing West on said parallel line 6.00 feet; thence South and parallel with the East line of Section 17, a distance of 379.50 feet to the centerline of S.A.R. No. 5; thence deflecting to the left 119 degrees 19 minutes and on said centerline, a distance of 6.88 feet; thence deflecting to the left 60 degrees 41 minutes and parallel with the East line of Section 17, a distance of 376.15 feet to the point of beginning.

and also excepting therefrom:

That part of the Southeast Quarter of the Southeast Quarter of Section 17, Township 110 North, Range 26 West, Nicollet County, Minnesota, described as: Commencing at the Southeast corner of Section 17; thence north along the east line of Section 17, a distance of 691.00 feet; thence west and parallel with the south line of Section 17 a distance of 702.70 feet to the point of beginning; thence continuing west along said parallel line 50.00 feet; thence south and parallel with the east line of Section 17 a distance of 407.52 feet to the centerline of S.A.R. No. 5; thence deflecting left 119 degrees 19 minutes along the centerline of S.A.R. No. 5 a distance of 57.34 feet; thence deflecting left 60 degrees 41 minutes and parallel with the east line of Section 17 a distance of 379.50 feet to the point of beginning.

WHEREAS, the parcel is immediately adjacent and completely surrounded by land currently within the corporate limits of the city; and

WHEREAS, the annexation as petitioned will not negatively impact the provision of municipal services to the area to be annexed; and

WHEREAS, the petitioned annexation would be consistent with the contents of the 2016 Comprehensive Plan and 2016 Parks Master Plan adopted by the City Council.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF SAINT PETER, NICOLLET COUNTY, MINNESOTA, that:

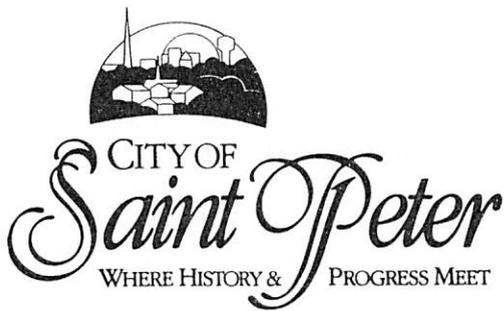
1. It is recommended that the City Council approve the annexation of the 1.03 acres of land as petitioned by the Planning and Zoning Commission by ordinance as provided in Minnesota Statute §414.033.

Adopted by the Planning and Zoning Commission of the City of Saint Peter, Nicollet County, Minnesota this the 5th day of March, 2020.

Andrew Davis
Chairperson

ATTEST:

Rosten Wille
Community Development Director



Memorandum

To: Planning Commission Date: February 25, 2020
From: Russ Wille, Community Development Director
RE: Conditional Use Permit Application (922 North Swift Street) – Automotive Sales

ACTION / RECOMMENDATION

Adopt the attached resolution which recommends that the Board of Zoning Appeals and Adjustments grant a Conditional Use Permit to B.J. Swift, LLC to allow for an Automotive Sales operations at 922 North Swift Street subject to certain conditions.

BACKGROUND

For the last few years, Lake Washington Marine and Powersports has operated at 1005 Old Minnesota Avenue. The operation provides for the repair, storage and sales of boats and other recreational equipment. The use would be considered to be Automotive Sales as per the Zoning Code.

The definition of Automotive Sales is as follows:

“Automotive Sales: Sale or rental of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles and boats, including incidental storage, maintenance, and servicing. Typical uses include new or used car dealerships, motorcycle dealerships and boat, trailer and recreational vehicle dealerships.”

Due to the pending sale of the 1005 Old Minnesota Avenue property, the boat dealership is being forced to relocate.

With a desire to remain in Saint Peter, the operations have been relocated to the former Onan Manufacturing facility at 922 North Swift Street. This site is zoned as (I-2) General Industrial by the adopted Zoning Code.

The Zoning Code was recently amended to allow for the consideration of undertaking Automotive Sales within the (C-2) General Industrial zoning districts as a conditional use of land.

To allow for the planned uses and occupancy by Lake Washington Marine and Powersports, the owners of the property have paid the appropriate fee and have petitioned for a Conditional Use Permit to allow for the establishment of an Automotive Sales use.

Saint Peter City Code, Article 7, Section 24-643, a copy of which is included in this agenda packet provides the standards applicable to any Conditional Use Permit. I have reviewed the application materials in light of the seventeen standards provided in code.

A resolution has been prepared for your review, discussion and consideration. The resolution provides a finding of fact related to each of the seventeen standards applied to a conditional use permit.

To ensure that the operations are undertaken in a manner which would not detract for the aesthetics of the immediate neighborhood or the use and enjoyment of adjoining permitted residential uses, it is my recommendation that the conditional use permit be issued subject to certain conditions. It is my further suggestion that the conditions imposed would be the minimum necessary to alleviate any conflict between the Automotive Sales use and other permitted uses in the vicinity.

The conditions that I recommend include the following:

1. No storage or display of merchandise shall be conducted within the public rights-of-way.
2. All storage and display of merchandise shall be conducted on an impervious asphalt or concrete surface.
3. The display and storage of merchandise shall be provided in an orderly manner of rows and aisles.
4. Fencing upon the site shall not exceed 8 feet in heights.

If deemed necessary and appropriate, the Commission could provide additional conditions at their discretion. If such is the case, it would be appropriate that the prepared resolution be amended to denote the conflict to be abated by the additional conditions.

The Board of Zoning Appeals and Adjustments will convene at 5:30 p.m. on Thursday, March 19, 2020 to hold a public hearing regarding the petitioned conditional use. At the conclusion of the hearing, the Board would be expected to take final action and approve or deny the petitioned use.

FISCAL IMPACT

The Dirks have paid the appropriate fee established by the City Council for consideration of the conditional use. No other fiscal impact is anticipated.

Do Not Act: A final decision must be made by the Board of Zoning Appeals and Adjustments by April 11, 2020 to abide by the sixty-day rules in statute. If a final determination is not made by that time, the conditional use permit would be issued by default in the absence of any conditions.

Deny: An action to deny the conditional use permit would require findings of fact that no conditions could be imposed on the operations to alleviate or abate any land use conflict between the Automotive Sales and other principally permitted uses of land in the vicinity.

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Adopt: A recommendation will be made to the Board of Zoning Appeals and Adjustments that the conditional use permit be issued subject to certain conditions.

APPLICATION FORM
CITY OF SAINT PETER, MINNESOTA

Street Location of Property (address) 922 North Swift Street
(former Onan building)

Owner:
Name B J Swift, LLC (Blake & Jo Ellen Dirks)

Address 90 Paul H. Tanz, Jr., Attorney

Applicant: (If different from owner)
Name _____

Address 324 So. Minnesota Ave., St. Peter

Type of Request:
(Please check one) Rezoning Annexation Variance
 Conditional Use Vacate Public Ways
 Application for Subdivision _____ Number of Lots
 Other

Description of Request: Applicant requests a Conditional
Use Permit to allow "Automobile
Sales" on the subject real estate

B.J. Swift, LLC
by Paul H. Tanz, Jr., Attorney
Applicant Signature
2-11-20
Date

(To be filled in by City Officials)

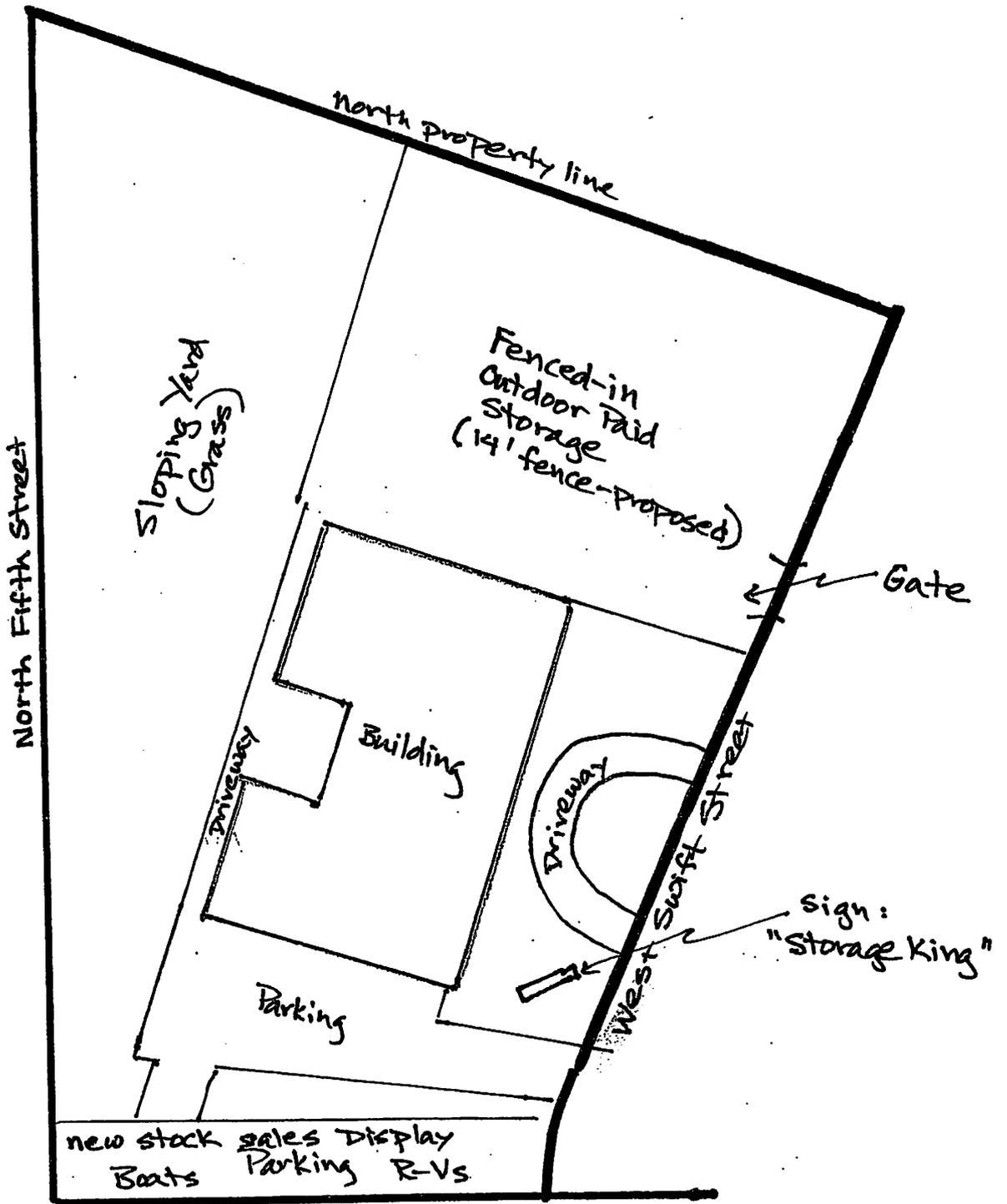
Petition received with fee \$ _____ on _____ by _____

Action of Variance Board (if request is for Variance) _____

Action of Planning Commission _____ Date _____

Action of City Council _____ Date _____

Fee \$ 400.00 Receipt Number 464668 Date 2-11-20



- e. Automotive sales: Sale or rental of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles or boats, including incidental storage, maintenance, and servicing. Typical uses include new or used car dealerships, motorcycle dealerships and boat, trailer and recreational vehicle dealerships.

**CITY CODE EXCERPT FOR CONDITION USE PERMITS – CHAPTER 24 LAND USE
REGULATIONS AND ZONING**

ARTICLE VII. - CONDITIONAL USE PERMITS

Sec. 24-640. - Procedures and requirements.

Conditional uses specifically designated within the individual district regulations may be permitted, enlarged or altered upon application for a conditional use permit in accordance with the rules and procedures of the Board of Appeals and Adjustments. The Board of Appeals and Adjustments will grant or deny a conditional use permit in accordance with the standards set forth herein and with the intent and purpose of this chapter. In granting a conditional use permit, the Board shall authorize the issuance of a conditional use permit and may prescribe and impose appropriate conditions, safeguards and a specified time limit for the performance of the conditional use permit.

(Ord. No. 394(2nd Ser.), § 1(11.28), 11-26-2007)

Sec. 24-641. - Application for conditional use.

A request for a conditional use permit or for the modification of a conditional use permit may be initiated by a property owner or his authorized agent by filing an application with the Zoning Administrator upon forms prescribed for this purpose. The application shall be accompanied by a site plan and other such plans and data showing dimensions, arrangements, descriptive data and other materials constituting a record essential to an understanding of the proposed use or proposed modification in relation to the standards set forth herein. The application shall also be accompanied by a fee as determined by resolution of the City Council.

(Ord. No. 394(2nd Ser.), § 1(11.28), 11-26-2007)

Sec. 24-642. - Procedures.

A conditional use shall not be granted by the Board of Appeals and Adjustment unless and until the following procedures have been fulfilled:

- (1) The Zoning Administrator shall provide a copy of the application for conditional use for review and comment to the Planning and Zoning Commission within five days after receipt of the application.
- (2) The Planning and Zoning Commission shall provide the Board of Appeals and Adjustments with its recommendation within 45 days after receipt of the application.
- (3) After receipt of the Planning and Zoning Commission's recommendations, the Board of Appeals and Adjustments shall schedule a public hearing in relation to the conditional use permit application. Notice of the public hearing shall be given as required by State Statute.
- (4) The Board of Appeals and Adjustments shall determine that it is empowered under this chapter to grant the conditional use permit as described in the application and that the granting of the conditional use will not adversely affect the public interest pursuant to testimony presented at the public hearing and review by the Planning and Zoning Commission.
- (5) In granting any conditional use permit, the Board may prescribe appropriate conditions and safeguards in conformity with this chapter. Violation of such conditions and safeguards, when made a part of the terms under which the conditional use permit is granted, shall be deemed a violation of this chapter and punishable under article IX of this chapter.
- (6) The concurring vote of a simple majority of those Board of Appeals and Adjustments members present shall be sufficient to grant a conditional use permit. No order of the Board granting a

conditional use permit shall be valid for a period longer than one year from the date of such order, unless the Board specifically grants a longer period of time or a building permit is obtained within a six-month period and construction is commenced.

(Ord. No. 394(2nd Ser.), § 1(11.28), 11-26-2007)

Sec. 24-643. - Standards.

No conditional use permit shall be granted by the Board of Appeals and Adjustments unless the Board shall find each of the following to be present:

- (1) The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare of the community.
- (2) The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood.
- (3) In the case of existing relocated single-family dwellings, that the proposed use aesthetically blends in with the neighboring, existing permitted uses and special attention be given to the architectural style, scale and quality of construction of the proposed use.
- (4) The establishment of the conditional use will not impede the normal and orderly development of improvements to the surrounding property for uses permitted in the district.
- (5) Adequate utilities, access roads, drainage, parking or other necessary facilities have been or will be provided.
- (6) Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
- (7) The use shall not include any activity involving the use or storage of flammable or explosive material unless protected by adequate firefighting and fire suppression equipment and by such safety devices as are normally used in handling of any such material.
- (8) The use shall not include noise which is objectionable due to volume, frequency, pitch or beat unless muffled or otherwise controlled.
- (9) The use shall not include vibration which is discernable without instrumentation on any adjoining parcel or property.
- (10) The use shall not involve any malodorous gas or matter which is discernable on any adjoining property.
- (11) The use shall not involve any pollution of the air by fly ash, dust, vapors or other substance which is harmful to health, animals, vegetation or other property or which causes soiling, discomfort or irritation.
- (12) The use shall not involve any direct or reflective glare which is visible from any adjoining property or from any public street, road or highway.
- (13) The use shall not involve any activity substantially increasing the movement of traffic on public streets unless procedures are instituted to limit traffic hazards and congestion.
- (14) The use shall not involve any activity substantially increasing the burden on any essential utility system or facilities unless provisions are made for any necessary adjustments.
- (15) The use shall not interfere with the use or enjoyment of neighboring permitted uses. If such interference is found, provisions must be made for increased setbacks from property lines or screening of incompatible uses by the use of fences, berms or hedges.
- (16) The ground coverage shall be such that no additional dust or stormwater runoff is generated by the conditional use.

(17) The use shall not create a hazard to vehicular or pedestrian traffic. If any such hazard is determined, provisions must be made to increase the required setback in regard to open air storage.

(Ord. No. 394(2nd Ser.), § 1(11.28), 11-26-2007)

Secs. 24-644—24-674. - Reserved.

**CITY OF SAINT PETER
PLANNING & ZONING COMMISSION
RESOLUTION NO. 2020 -**

STATE OF MINNESOTA)
COUNTY OF NICOLLET)
CITY OF SAINT PETER)

**RESOLUTION RECOMMENDING THE APPROVAL OF A CONDITIONAL USE PERMIT
APPLICATION SUBMITTED BY B.J. SWIFT, LLC FOR THE ESTABLISHMENT OF
AUTOMOTIVE SALES AT 922 NORTH SWIFT STREET SUBJECT TO CERTAIN
CONDITIONS**

WHEREAS, B.J. Swift, LLC (Blake & JoEllen Dirks) has submitted an application for a Conditional Use Permit to allow for the establishment of an Automotive Sales (Boat, Trailer, RV, ATV sales) use at 922 North Swift Street; and

WHEREAS, the applicant has paid the appropriate fee and has submitted the proper forms to allow for a review of the requested Conditional Use Permit; and

WHEREAS, Saint Peter City Code, Article 7, Section 24-643 provides the standards applicable to any Conditional Use Permit and the Commission has made the following findings of fact related to the application; and

WHEREAS, with certain conditions imposed upon the use, the establishment, maintenance or operation of the conditional use will not be detrimental to, or endanger the public health, safety, comfort or general welfare of the community; and

WHEREAS, with certain conditions and standards imposed upon the use, the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood; and

WHEREAS, the establishment of the conditional use will not impede the normal and orderly development of improvements to the surrounding property for uses permitted in the district; and

WHEREAS, adequate utilities, access roads, drainage, and/or other necessary facilities have been provided to the property in question; and

WHEREAS, adequate measures have been taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and

WHEREAS, the use does not include any activity involving the use or storage of flammable or explosive material; and

WHEREAS, the use does not include noise which is objectionable due to volume, frequency, pitch or beat; and

WHEREAS, the use does not include vibration which is discernable without instrumentation on any adjoining parcel or property; and

WHEREAS, the use does not involve any malodorous gas or matter which is discernable on any adjoining property; and

WHEREAS, the use does not involve any pollution of the air by fly-ash, dust, vapors or other substance which is harmful to health, animals, vegetation or other property or which causes soiling, discomfort or irritation; and

WHEREAS, the use does not involve any direct or reflective glare which is visible from any adjoining property or from any public street, road or highway; and

WHEREAS, the use does not involve any activity substantially increasing the movement of traffic on public streets: and.

WHEREAS, the use does not involve any activity substantially increasing the burden on any essential utility system or facilities; and

WHEREAS, the use does not interfere with the use or enjoyment of neighboring permitted uses; and

WHEREAS, the ground coverage is designed so no additional dust or storm water run-off is generated by the conditional use in a manner which negatively impacts neighboring properties; and

WHEREAS, the use does not create a hazard to vehicular or pedestrian traffic and adequate public on-street and off-street parking is located in sufficient proximity to the property in question; and

WHEREAS, the Planning and Zoning Commission has reviewed and considered the Conditional Use Permit application and has made the following recommendation to the Board of Appeals and Adjustments as required by code.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF SAINT PETER, NICOLLET COUNTY, MINNESOTA, that:

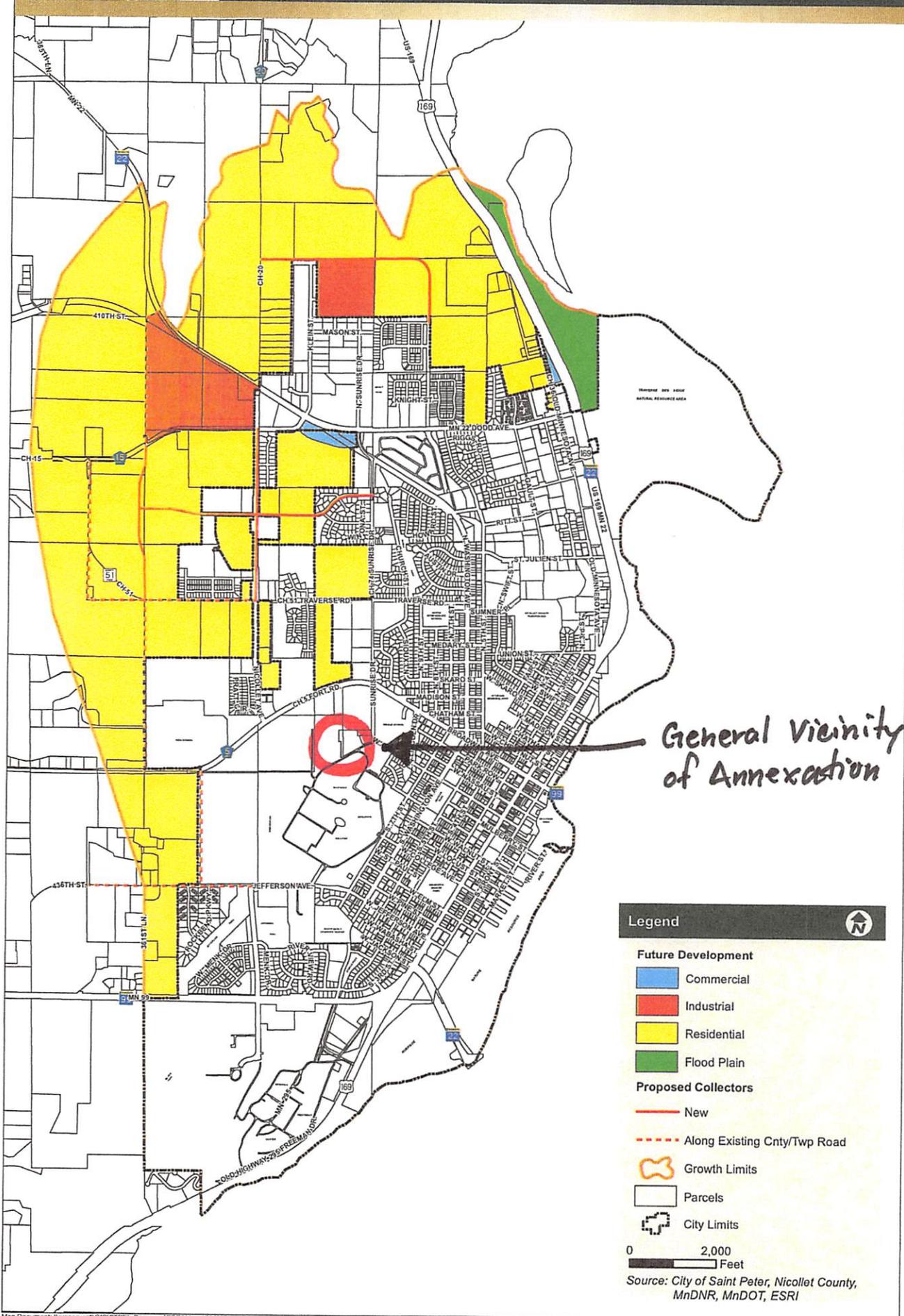
1. The Planning and Zoning Commission recommends that the Board of Appeals & Adjustments approve the Conditional Use Permit submitted by the B.J. Swift, LLC to establish an Automotive Sales use at 922 North Swift Street subject to the following conditions:
 - a. No storage or display of merchandise shall be conducted within the public right-of-way.
 - b. All storage and display of merchandise shall be conducted on an impervious asphalt or concrete surface.
 - c. The display and storage of merchandise shall be provided in an orderly manner of rows and aisles.
 - d. Fencing upon the site shall not exceed 8 feet in height.

Adopted by the Planning & Zoning Commission of the City of Saint Peter, Nicollet County, Minnesota this the 5th day of March, 2020.

Andrew Davis
Chairperson

ATTEST:

Rosten Wille
Community Development Director



General Vicinity
of Annexation

Legend

- Future Development**
- Commercial
 - Industrial
 - Residential
 - Flood Plain
- Proposed Collectors**
- New
 - Along Existing Cnty/Twp Road
- Growth Limits
- Parcels
- City Limits

0 2,000
Feet

Source: City of Saint Peter, Nicollet County, MnDNR, MnDOT, ESRI



Legend

- Street Names - Medium
- County Boundary
- City Limits
- Railroad
- Parcels (1-24-2019)
- STPE.sid
 - Red: Band_1
 - Green: Band_2
 - Blue: Band_3

Weelborg Parcel



Disclaimer:
 This drawing is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is a compilation of records, information, and data located in various city, county, and state offices, and other sources affecting the area shown, and is to be used for reference purposes only. The City of Saint Peter is not responsible for any inaccuracies herein contained.

0 527 Feet





Legend

- Street Names - Medium
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- Parcels (1-24-2019)
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 - Red: Band_1
 - Green: Band_2
 - Blue: Band_3

Gustavus Adolphus College Parcel



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0 527 Feet



Real People. Real Solutions.